

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Reginald Delaney,

Petitioner,

v.

Warden, FCI Williamsburg,

Respondent.

C/A No. 4:22-cv-0712-JFA-TER

**ORDER**

Petitioner Reginald Delaney (“Petitioner”), appearing *pro se*, filed the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), the case was referred to the Magistrate Judge for pretrial proceedings.

On May 25, 2022, the Respondent filed a Motion for Summary Judgment. (ECF No. 15). After reviewing the motion and all responsive briefing, the Magistrate Judge assigned to this action issued a thorough Report and Recommendation (“Report”). (ECF No. 19). Within the Report, the Magistrate Judge opines that the petition should be dismissed pursuant to Federal Rule of Civil Procedure 41(b) without prejudice.

The Report sets forth, in detail, the relevant facts and standards of law on this matter, and this Court incorporates those facts and standards without a recitation.

On May 26, 2022, the Magistrate Judge issued a *Roseboro* Order explaining the summary judgment standard, advising the Petitioner of the motion and the possible consequences if he failed to respond adequately within 31 days. (ECF No. 16). Petitioner failed to respond to the motion within the required time frame. (ECF No. 18). The Magistrate Judge issued the Report on July 8,

2022, where Petitioner was advised of his right to file objections by July 25, 2022. (ECF No. 19). Petitioner also failed to file any objections to the Report. *Id.* Thus, this matter is ripe for review.

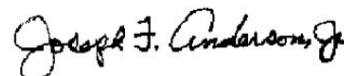
The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). A district court is only required to conduct a *de novo* review of the specific portions of the Magistrate Judge's Report to which an objection is made. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b); *Carniewski v. W. Virginia Bd. of Prob. & Parole*, 974 F.2d 1330 (4th Cir. 1992). In the absence of specific objections to portions of the Magistrate Judge's Report, this Court is not required to give an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

Here, Petitioner has failed to raise any objections and therefore this Court is not required to give an explanation for adopting the recommendation. A review of the Report indicates that the Magistrate Judge correctly concluded that the petition should be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure without prejudice.

After carefully reviewing the applicable laws, the record in this case, and the Report, this Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, this Court adopts the Magistrate Judge's Report and Recommendation and incorporates it herein by reference. (ECF No. 19). Consequently, this action is dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

August 3, 2022  
Columbia, South Carolina



Joseph F. Anderson, Jr.  
United States District Judge